

FILED
At Albuquerque, New Mexico
NOV 20 2018

UNITED STATES DISTRICT COURT
for the
District of New Mexico

United States of America

)

v.

)

DULL, Brian
xxx-xx-2965

)
)
)

Case No. 18-MJ-3774

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 11/13/2018 in the county of Bernalillo in the _____ District of New Mexico, the defendant violated Title 18 U. S. C. § 922(g)(1) and 924 (a)(2), an offense described as follows:

On 11/13/2018 Brian DULL, a previously convicted felon, unlawfully possessed an American Tactical Model 1911GI handgun bearing serial number GI108003 as well as sixteen (16) rounds of Winchester brand .45 caliber auto ammunition that has traveled in and affected interstate commerce in violation of Title 18 U.S.C 922(g)(1).

This criminal complaint is based on these facts:

See Attached

Continued on the attached sheet.


Complainant's signature

Eli Z. Lucero, Task Force Officer, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 11-20-18

City and state: Albuquerque, New Mexico


Judge's signature
Kirtan Khalsa U.S. Magistrate
Printed name and title

Judge

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SSN: xxx-xx-2965

1. Eli Z. Lucero, a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, deposes and states:
2. Your Affiant is a full time salaried sworn law enforcement officer with the Bernalillo County Sheriff's Department, and has been so for 5 years.
3. Approximately two of those years have been spent on the investigation of federal felony crimes. Part of your Affiant's duties has included being a Task Force Officer for the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.
4. In this capacity your Affiant routinely investigates violations of federal criminal statutes, to include violation of federal firearms laws, and has specifically investigated violations related to subjects who are found to be in possession of illegal and altered firearms. Your Affiant requests that an Arrest Warrant be issued for the above named defendant based on the following information, which your Affiant believes to be true and accurate.
5. I am an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Titles 18 and 26, United States Code.
6. The statements contained in this affidavit are based, in part, on information provided by Special Agents and Task Force Officers of the ATF and other

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law enforcement officers; on conversations held with police officers; and on my background and experience as a Task Force Officer of the ATF.

7. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.
8. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

PROBABLE CAUSE

9. On November 13, 2018, Deputy A. Heredia of the Bernalillo County Sheriff's Department came in contact with a white Ford pickup truck bearing New Mexico plate AGJH41 on North Highway 14. Deputy Heredia queried the license plate and determined that the registration was suspended. A traffic stop was initiated at 12465 North Highway 14, Cedar Crest, New Mexico.
10. Deputy Heredia made contact with the driver who was identified as Brian DULL by State of New Mexico identification card. DULL was queried through a law enforcement data base and was determined to have a suspended driver's license and an active arrest warrant.
11. DULL was placed under arrest and searched. During the search of his person, a magazine loaded with ammunition was located in his left pocket. DULL was asked if he had a firearm. He replied that it was underneath the driver's seat. The firearm was collected during inventory of the vehicle prior to being towed.

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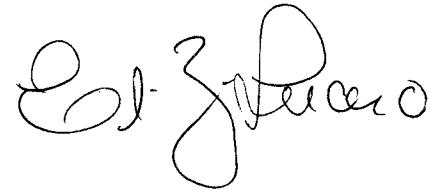
Criminal Complaint - Continued.

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12. Deputy Heredia ran a check on the firearm bearing serial number G108003 which returned as stolen. DULL was advised of his rights per Miranda. DULL said the firearm was given to him to pay off debt that he was owed. DULL admitted to being a convicted felon. Deputy Heredia conducted a background check and confirmed that DULL had felony convictions.
13. Task Force Officer (TFO) Eli Lucero of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) conducted a background investigation and determined that DULL was convicted of Receiving Stolen Property and Tampering with Evidence in cause number D-911-CR-1998-00069 out of the 9th Judicial District Court, Roosevelt County, New Mexico.
14. On November 19, 2018, TFO Eli Lucero viewed the recovered firearm and ammunition at the Albuquerque Police Department Evidence Laboratory. A function check was conducted on the American Tactical M1911GI, .45 caliber handgun bearing serial number GI08003. The firearm functioned as designed. Also viewed were sixteen (16) rounds of .45 Auto caliber, Winchester brand ammunition. Firearm Nexus Expert, Special Agent Lisa Gaul, confirmed that the firearm and ammunition are manufactured outside of the State of New Mexico, thus the firearm and ammunition have traveled in and affected interstate commerce.



Subscribed and sworn to before me
on November 20, 2018:



UNITED STATES MAGISTRATE JUDGE